

Remarks

Turning to the Office Action, claims 1, 4, 8 and 10 were rejected under 35 U. S. C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, claim 8 has been rejected under 35 U. S. C. §101 as being directed to non-statutory subject matter. Furthermore, claims 1, 3 and 9 were rejected under 35 U. S. C. §103(a) as being unpatentable over Cheng et al. (2003/0046676) in view of Vincent (2004/0015953). Further yet, claim 4 was rejected under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Vincent (2004/0015953) as applied to claim 1 and further in view of Rune (U.S. Patent 6,304,913). Additionally, claim 7 was rejected under 35 U. S. C. §103(a) as being unpatentable over Cheng et al. (2003/0046676), Vincent (2004/001595), and Rune (U.S. Patent 6,304,913). Further, claim 8 was rejected under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Rune (U.S. Patent 6,304,913).

Turning to the appended claims, Applicants have amended claims 1, 3-4 and 7-10, so as to distinctly and particularly point out the attributes of the present invention and to overcome the rejection and to place the application in condition for allowance.

Applicants now turn to the rejection of claims 1, 4, 8 and 10 under 35 U. S. C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1, 4, 8 and 10 to overcome the §112, second paragraph rejection.

As such, Applicants respectfully request withdrawal of the 35 U. S. C. §112 rejection with respect to claims 1, 4, 8 and 10 and Applicants respectfully request reconsideration of the presently amended claims 1, 4, 8 and 10.

Turning to the rejection of claim 8 under 35 U. S. C. §101 as being directed to non-patentable subject matter, Applicants contend that the presently amended claim 8 is directed to tangible embodiments. In particular, claim 8 is directed to a computer readable storage medium, such as, a magnetic tape or disk, optical media, DVD, memory stick, semiconductor memory, etc. The computer readable storage medium contains program instructions that are loaded onto each of the recipient and donor server control consoles, such that, the server control software installed on a respective server control console is used to control functions of the respective servers coupled to a respective server control console and, such that, the parameter replication program installed on a respective server control console is used to provide updates for a first and second parameter selected by a recipient server control console, where a recipient server control console communicates with a donor server control console over a network, using a network communications channel of the network for sending and receiving communication signals for updating parameters. As such, the computer program product produces a useful, concrete and tangible result in that the selected parameters in the recipient server control console are updated (the tangible result). Accordingly, Applicants contend that the parameter replication program for updating parameters embodied in the computer readable storage medium and the server control software for controlling functions of respective servers coupled to a recipient server control console

are statutory subject matter under 35 U. S. C. §101 and, thus, Applicants respectfully request withdrawal of the 35 U. S. C. §101 rejection with respect to claim 8 and Applicants respectfully request reconsideration of the presently amended claim 8.

Applicants now turn to the rejection of claims 1, 3 and 9 under 35 U. S. C. §103(a) as being unpatentable over Cheng et al. (2003/0046676) in view of Vincent (2004/0015953). Applicants have amended base claims 1 and 9 to distinctly point out embodiments of the invention for updating first and second parameters identified by a recipient server control console and for receiving updates for the first and second parameters identified from respective first and second donor server control consoles chosen by the recipient server control console. In particular, each of the recipient server control console and the donor server control consoles have installed thereon a parameter replication program for updating the identified parameters and have installed thereon a server control software for controlling control functions of one or more respective servers coupled to the respective server control consoles. Applicants submit that given that Cheng et al. does not teach a recipient server control console having a server control software and a parameter replication program for identifying a select parameter to be updated by a specific donor server control console as presently claimed and given that neither Cheng et al. (2003/0046676) nor Vincent (2004/0015953) separately nor in combination teach the presently amended claims 1 and 9, which specifically claim a server control console (not a server) having a server control software and a parameter replication program installed thereon for updating a parameter for a group of servers coupled to the server control console, the rejection of claim 1 under 35 U. S. C. §103 (a)

as being unpatentable over Cheng et al. (2003/0046676) taken in view of Vincent (2004/0015953) should be withdrawn and Applicants respectfully request reconsideration of the presently amended claims 1 and 9. Further, since claim 3 depends from claim 1, Applicants respectfully request withdrawal of the rejection under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) taken in view of Vincent (2004/0015953).

Turning to the rejection of claim 4 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Vincent (2004/0015953) as applied to claim 1 and further in view of Rune (U.S. Patent 6,304,913), Applicants contend that the combined teachings of Cheng et al. and Vincent do not teach the present claims, as amended. In particular, Applicants have amended claim 4, which depends from amended claim 1, to point out that the first parameter is updated by a first donor server console and that the second parameter is updated by a second donor server console, where the first parameter selected is different than the second parameter selected. Since the teachings of Cheng et al and Vincent have been discussed hereinabove with respect to rejection of claim 1, Applicants turn to the teachings of Rune. In particular, Rune teaches selecting for use a server located relatively close to a requesting host, such that, response time is improved. Applicants submit that given that Rune does not teach a recipient server control console having a server control software and a parameter replication program for identifying a select parameter to be updated by a specific donor server control console as presently claimed and given that neither Cheng et al. (2003/0046676) nor Vincent (2004/0015953) nor Rune (U.S. Patent 6,304,913) separately nor in combination teach

the presently amended claim 4, which specifically claim a server control console (not a server) having a server control software and a parameter replication program installed thereon for updating a parameter for a group of servers coupled to the server control console, the rejection of claim 4 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Vincent (2004/0015953) in view of Rune (U.S. Patent 6,304,913) should be withdrawn and Applicants respectfully request reconsideration of the presently amended claim 4.

Turning to the rejection of claim 7 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676), Vincent (2004/0015953) and Rune (U.S. Patent 6,304,913), Applicants contend that the combined teachings of Cheng et al. and Vincent do not teach the present amended claim 7, which depends from claim 4, which in turn depends from amended claim 1. As such, Applicants submit that the combined teachings of Cheng et al, Vincent and Rune do not teach a recipient server control console having a server control software and a parameter replication program for identifying a select parameter to be updated by a specific donor server control console as presently claimed and, as such, Applicants respectfully request withdrawal of the rejection under rejection of claim 7 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676), Vincent (2004/0015953) and Rune (U.S. Patent 6,304,913), and Applicants respectfully request reconsideration of the presently amended claim 7.

Finally, turning to the rejection of claim 8 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Rune (U.S. Patent 6,304,913), Applicants contend that the combined teachings of Cheng et al. and Rune does not teach

the present amended claim 8. Applicants point out that the computer readable storage medium contains program instructions, namely the parameter replication program for updating parameters embodied in the computer readable storage medium and the server control software for controlling functions of respective servers coupled to a recipient server control console and, as such, Applicants contend that the combined teachings of Cheng et al and Rune do not teach a recipient server control console having a server control software and a parameter replication program for identifying a select parameter to be updated by a specific donor server control console as presently claimed and, as such, Applicants respectfully request withdrawal of the rejection of claim 8 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Rune (U.S. Patent 6,304,913), and Applicants respectfully request reconsideration of the presently amended claim 8.

Accordingly, Applicants believe that the present amended claims 1, 3-4 and 7-10 are in condition for allowance and Applicants respectfully request allowance of the present amended claims 1, 3-4 and 7-10. Reconsideration and withdrawal of the claim rejections and allowance of the present amended claims 1, 3-4 and 7-10 in this case are respectfully requested. If these amendments do not result in a withdrawal of the claim rejections for claims 1, 3-4 and 7-10 and a Notice of Allowance, Applicants respectfully

request a telephone interview to accelerate prosecution of the application.

Respectfully submitted,

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